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SEP 7 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

SEP 1 1994

Stop Code 1600A2
IC-94-13381
9403908

Honorable Strom Thurmond
United States Senate
217 Russell Senate Office Building
Washington, D.C. 20510-4001

Re: Case Number #4218230005

Dear Senator Thurmond:

Thank you for your August 8, 1994 letter on behalf of Mr. Parker Evatt, Director of the South Carolina Department of Corrections in Columbia, South Carolina, regarding the Commission's Billed Party Preference (BPP) proceeding. On May 19, 1994, the Commission adopted a Further Notice of Proposed Rulemaking in this proceeding. I have enclosed a copy of the Further Notice and press release accompanying it for your information.

The Further Notice sets forth a detailed cost/benefit analysis of BPP. This analysis indicates, based on the available data, that the benefits of BPP to consumers would exceed its costs. The Further Notice seeks comment on this analysis and asks interested parties to supplement the record concerning the costs and benefits of BPP. The Further Notice also invites parties to recommend alternatives to BPP that could produce many of the same benefits at a lower cost.

The Further Notice also explicitly seeks comment on whether correctional facility telephones should be exempt if BPP is adopted. Specifically, the Further Notice seeks additional information on the effectiveness and costs of controlling fraud originating on inmate lines with or without BPP. The Further Notice also seeks comment on a proposal to exempt prison telephones from BPP if the operator service provider adheres to rate ceilings for inmate calling services.

Honorable Strom Thurmond

2.

BPP would not preclude prison officials from blocking or limiting inmate calls to specific telephone numbers in order to prevent threatening and harassing calls. For example, BPP would not affect the ability of prison officials to limit inmates to collect calling or to program telephone equipment at the prison site to block certain numbers.

Thank you for your interest in this proceeding. I can assure you that the Commission will carefully examine all of the comments submitted in response to the Further Notice, including additional empirical data regarding the costs and benefits of implementing BPP and the impact of BPP on telephone service from correctional facilities. We are including a copy of your letter and enclosure in the public file on this proceeding.

Sincerely,

Robert W. Spangler

Robert W. Spangler
Deputy Chief (Policy)
Enforcement Division
Common Carrier Bureau

Enclosures

STROM THURMOND
SOUTH CAROLINA
COMMITTEES

ARMED SERVICES
JUDICIARY
VETERANS' AFFAIRS
LABOR AND HUMAN RESOURCES

United States Senate

WASHINGTON, DC 20510-4001

August 8, 1994

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Mr. Steve Klitzman, Associate Director
Office of Congressional Liaison
Federal Communications Commission
1919 M Street, N.W.
Room 314
Washington, D.C. 20554

Dear Mr. Klitzman:

Enclosed is a copy of correspondence I have recently received from Mr. Parker Evatt, Director, S. C. Department of Corrections. I believe you will find it self-explanatory.

Your reviewing this material and providing any assistance or information possible under the governing statutes and regulations will be greatly appreciated. Thank you for your attention in this matter. I look forward to hearing from you soon.

With kindest regards and best wishes,

Sincerely,

Strom Thurmond

Strom Thurmond

ST/hm
Enclosure

Please include in your response case number # 4218230005



south carolina department of corrections

P.O. BOX 21787/4444 BROAD RIVER ROAD/COLUMBIA, SOUTH CAROLINA 29221-1787
TELEPHONE (803) 896-8555
PARKER EVATT, Director

July 26, 1994

Mr. W. Caton, Acting Secretary
Federal Communications Commission
1919 Main Street NW, Room 222
Washington, DC 20554

94 AUG -2 AM 11:12

REFERENCE: Docket 92-77

Dear Mr. Caton:

For sometime I have been following a proposal referred to as "Billed Party Preference," Docket 92-77, which is currently before the Federal Communications Commission. This proposal, if approved would dramatically change the way the long distance carrier is chosen on collect calls from correctional facilities. Additionally, the proposal would significantly impact the mission of our Agency by making it more difficult to maintain certain security systems, as well as, to provide sufficient essential programs which assist the inmates in successfully returning to and coping in society.

The South Carolina Department of Corrections began researching specialized inmate calling services almost a year ago. It was, and still remains, our goal to prevent fraudulent and/or harassing calls from South Carolina state prisons in addition to providing all inmates fair and equal access to telephones. This Agency believes allowing inmates contact with their family and friends helps preserve the family relationship, helps decrease tension in understaffed and overcrowded facilities, as well as, providing an incentive for good behavior. We have and continue to implement specialized features and services to limit potential abuse of telephone privileges and, in turn, protect the privileges of the majority of the inmate population making legitimate calls.

In the past, if a citizen contacted this Agency about receiving harassing calls, our institutional staff could not determine from which telephone in a dorm of 200 inmates a call was made. As you can imagine, someone being harassed found this response unacceptable. Today at prisons with specialized service, we not only know which inmate, but when calls were attempted in addition to how many attempts were made. Call blocking can be done within minutes to prevent any further calls. Correctional officials now have the tools to stop fraudulent and harassing calls to victims, witnesses, judges or anyone not willing to accept calls from an inmate.

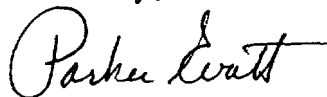
Contracts between this Agency and carriers specializing in inmate traffic has provided South Carolina prisons the necessary methods to control inmate calling. "Billed Party Preference" for prison traffic will allow inmate calling to be routed to any carrier. Since no contracts will exist between these other carriers and this Agency, specialized inmate calling services are not guaranteed. At present, our carrier identifies each call as coming from a correctional facility. Unfortunately, all carriers do not have the ability to identify when calls are originating from a correctional facility. Inmate calls would be processed just like a call from a public telephone. With no contracts, this Agency's goal to prevent fraudulent and harassing calls from South Carolina state prisons and providing the inmate population fair and equal access to telephones cannot be met.

The State of South Carolina is not likely to provide funds to furnish inmates with telephone service. It would cost this Agency in excess of \$1 million annually just to provide basic inmate phone service. To install specialized equipment to control inmate calling throughout the Agency is estimated at over \$4.5 million. Like most corrections' departments across the nation, our Agency must constantly deal with overcrowding, understaffing, and budget cuts. To expect that funds will be made available to install an inmate phone system is simply unrealistic. With no funds available, unfortunately, "Billed Party Preference" for prisons could eliminate inmates being provided telephone privileges altogether.

The South Carolina Department of Corrections has always been sensitive to the rates inmate families have to pay for collect-calls. Our contracts currently protect inmates' families from abusive rates and will continue to do so in the future. It is suggested the FCC adopt rate ceilings for inmate calls to ensure fair and reasonable rates nationally. This action would not only protect the consumer from being over billed for calls but allow prison administrators to provide secure inmate call control services to protect victims, witnesses, and the public.

When reviewing and making decisions on "Billed Party Preference," FCC Docket 92-77, please consider the financial burden that it will put on our state's taxpayers, and the loss of control and monitoring within our institutions. If you have any questions or concerns, please contact me at (803) 896-8555.

Sincerely,



Parker Evatt

PE:12

cc: / The Honorable Strom Thurmond
The Honorable Earnest Hollings
The Honorable Arthur Ravenel, Jr.
The Honorable Floyd Spence

The Honorable Butler Derrick
The Honorable John Spratt, Jr.
The Honorable Robert D. Inglis
The Honorable James E. Clyburn

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Billed Party Preference)	CC Docket No. 92-77
for 0+ InterLATA Calls)	

ORDER

Adopted: August 17, 1994

Released: August 18, 1994

By the Chief, Common Carrier Bureau:

1. On August 12, 1994, Capital Network System, Inc. filed a motion for extension of time to file reply comments to the Further Notice of Proposed Rulemaking in the above-captioned proceeding.¹ Reply comments are scheduled to be filed by August 31, 1994 and Capital Network seeks an extension until September 23, 1994.²

2. Capital Network gives two reasons for its request. First, it states that not only were a large number of comments filed in this proceeding, but many are long and contain complex cost estimates and other detailed data. It claims that a comprehensive review and analysis of the comments will require more than the 30 days that the current August 31st deadline permits. Second, Capital Network argues that, apart from the number and length of comments, the comments range over an unusually large number of discrete, albeit related, issues, including rate regulation of OSPs. It asserts that it is likely to take parties more than 30 days to sort through the various positions of the comments and to identify areas of contradiction and concurrence.

3. We do not routinely grant extensions of time,³ particularly in situations like this, where we have already granted one such extension. In this case, however, we are persuaded that an extension would serve the public interest in light of the large number of comments and the significant amount of data submitted in those comments. We believe, however, that, as we have

¹ Billed Party Preference for 0+ InterLATA Calls, CC Docket No. 92-77, FCC 94-117 (June 6, 1994).

² We previously extended the reply comment deadline from July 29, 1994 to August 31, 1994 in response to a motion for extension of time. Billed Party Preference for 0+ InterLATA Calls, Order, CC Docket No. 92-77, DA 94-703 (June 24, 1994).

³ 47 C.F.R. § 1.46(a).